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HOUSE BILL NO. 1897  
AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the House Committee for Courts of Justice  
on \_\_\_\_\_)  
(Patron Prior to Substitute--Delegate Bell)

A BILL to amend and reenact §§ 16.1-253.1, 16.1-279.1, 19.2-152.9, and 19.2-152.10 of the Code of Virginia, relating to protective orders; extensions and continuances; other monetary relief; penalty.

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 16.1-253.1, 16.1-279.1, 19.2-152.9, and 19.2-152.10 of the Code of Virginia are amended and reenacted as follows:**

**§ 16.1-253.1. Preliminary protective orders in cases of family abuse; confidentiality.**

A. Upon the filing of a petition alleging that the petitioner is or has been, within a reasonable period of time, subjected to family abuse, or the filing of a written motion requesting a hearing to extend a protective order pursuant to § 16.1-279.1 without alleging that the petitioner is or has been, within a reasonable period of time, subject to family abuse. the court may issue a preliminary protective order against an allegedly abusing person in order to protect the health and safety of the petitioner or any family or household member of the petitioner. The order may be issued in an ex parte proceeding upon good cause shown when the petition is supported by an affidavit or sworn testimony before the judge or intake officer or upon the filing of a written motion requesting a hearing to extend a protective order pursuant to § 16.1-279.1 without alleging that the petitioner is or has been, within a reasonable period of time, subject to family abuse. If an ex parte order is issued without an affidavit or a completed form as prescribed by subsection D of § 16.1-253.4 being presented, the court, in its order, shall state the basis upon which the order was entered, including a summary of the allegations made and the court's findings. Immediate and present danger of family abuse or evidence sufficient to establish probable cause that family abuse has recently occurred shall constitute good cause. Evidence that the petitioner has been subjected to family abuse within a reasonable time and evidence of immediate and present danger of family abuse may be

27 established by a showing that (i) the allegedly abusing person is incarcerated and is to be released from  
28 incarceration within 30 days following the petition or has been released from incarceration within 30 days  
29 prior to the petition, (ii) the crime for which the allegedly abusing person was convicted and incarcerated  
30 involved family abuse against the petitioner, and (iii) the allegedly abusing person has made threatening  
31 contact with the petitioner while he was incarcerated, exhibiting a renewed threat to the petitioner of  
32 family abuse.

33 A preliminary protective order may include any one or more of the following conditions to be  
34 imposed on the allegedly abusing person:

35 1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property.

36 2. Prohibiting such contacts by the respondent with the petitioner or family or household members  
37 of the petitioner as the court deems necessary for the health or safety of such persons.

38 3. Granting the petitioner possession of the premises occupied by the parties to the exclusion of  
39 the allegedly abusing person; however, no such grant of possession shall affect title to any real or personal  
40 property.

41 4. Enjoining the respondent from terminating any necessary utility service to a premises that the  
42 petitioner has been granted possession of pursuant to subdivision 3 or, where appropriate, ordering the  
43 respondent to restore utility services to such premises.

44 5. Granting the petitioner and, where appropriate, any other family or household member of the  
45 petitioner, exclusive use and possession of a cellular telephone number or electronic device. The court  
46 may enjoin the respondent from terminating a cellular telephone number or electronic device before the  
47 expiration of the contract term with a third-party provider. The court may enjoin the respondent from  
48 using a cellular telephone or other electronic device to locate the petitioner.

49 6. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner  
50 alone or jointly owned by the parties to the exclusion of the allegedly abusing person; however, no such  
51 grant of possession or use shall affect title to the vehicle.

52           7. Requiring that the allegedly abusing person provide suitable alternative housing for the  
53 petitioner and any other family or household member and, where appropriate, requiring the respondent to  
54 pay deposits to connect or restore necessary utility services in the alternative housing provided.

55           8. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such  
56 petitioner meets the definition of owner in § 3.2-6500.

57           9. Any other relief necessary for the protection of the petitioner and family or household members  
58 of the petitioner.

59           B. The court shall forthwith, but in all cases no later than the end of the business day on which the  
60 order was issued, enter and transfer electronically to the Virginia Criminal Information Network the  
61 respondent's identifying information and the name, date of birth, sex, and race of each protected person  
62 provided to the court. A copy of a preliminary protective order containing any such identifying information  
63 shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of  
64 protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall  
65 forthwith verify and enter any modification as necessary to the identifying information and other  
66 appropriate information required by the Department of State Police into the Virginia Criminal Information  
67 Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52  
68 and the order shall be served forthwith on the allegedly abusing person in person as provided in § 16.1-  
69 264 and due return made to the court. However, if the order is issued by the circuit court, the clerk of the  
70 circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying  
71 information and the name, date of birth, sex, and race of each protected person provided to the court to  
72 the primary law-enforcement agency providing service and entry of protective orders and upon receipt of  
73 the order, the primary law-enforcement agency shall enter the name of the person subject to the order and  
74 other appropriate information required by the Department of State Police into the Virginia Criminal  
75 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et  
76 seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as  
77 provided in § 16.1-264. Upon service, the agency making service shall enter the date and time of service  
78 and other appropriate information required by the Department of State Police into the Virginia Criminal

79 Information Network and make due return to the court. The preliminary order shall specify a date for the  
80 full hearing. The hearing shall be held within 15 days of the issuance of the preliminary order, unless the  
81 hearing has been continued pursuant to this subsection or court is closed pursuant to § 16.1-69.35 or 17.1-  
82 207 and such closure prevents the hearing from being held within such time period, in which case the  
83 hearing shall be held on the next day not a Saturday, Sunday, legal holiday, or day on which the court is  
84 lawfully closed. If such court is closed pursuant to § 16.1-69.35 or 17.1-207, the preliminary protective  
85 order shall remain in full force and effect until it is dissolved by such court, until another preliminary  
86 protective order is entered, or until a protective order is entered. If the respondent fails to appear at this  
87 hearing because the respondent was not personally served, or if personally served was incarcerated and  
88 not transported to the hearing, the court may extend the protective order for a period not to exceed six  
89 months. The extended protective order shall be served forthwith on the respondent. However, ~~upon motion~~  
90 ~~of~~ where the respondent ~~and for~~ shows good cause ~~shown~~, the court may continue the hearing. The  
91 preliminary order shall remain in effect until the hearing. Upon request after the order is issued, the clerk  
92 shall provide the petitioner with a copy of the order and information regarding the date and time of service.  
93 The order shall further specify that either party may at any time file a motion with the court requesting a  
94 hearing to dissolve or modify the order. The hearing on the motion shall be given precedence on the docket  
95 of the court. Upon petitioner's motion to dissolve the preliminary protective order, a dissolution order may  
96 be issued ex parte by the court with or without a hearing. If an ex parte hearing is held, it shall be heard  
97 by the court as soon as practicable. If a dissolution order is issued ex parte, the court shall serve a copy of  
98 such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

99       Upon receipt of the return of service or other proof of service pursuant to subsection C of § 16.1-  
100 264, the clerk shall forthwith forward an attested copy of the preliminary protective order to the primary  
101 law-enforcement agency, and the agency shall forthwith verify and enter any modification as necessary  
102 into the Virginia Criminal Information Network as described above. If the order is later dissolved or  
103 modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the  
104 primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt  
105 of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any

106 modification as necessary to the identifying information and other appropriate information required by the  
107 Department of State Police into the Virginia Criminal Information Network as described above and the  
108 order shall be served forthwith and due return made to the court.

109 C. The preliminary order is effective upon personal service on the allegedly abusing person. Except  
110 as otherwise provided in § 16.1-253.2, a violation of the order shall constitute contempt of court.

111 D. At a full hearing on the petition, the court may issue a protective order pursuant to § 16.1-279.1  
112 if the court finds that the petitioner has proven the allegation of family abuse by a preponderance of the  
113 evidence.

114 E. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's  
115 office, nor any employee of them, may disclose, except among themselves, the residential address,  
116 telephone number, or place of employment of the person protected by the order or that of the family of  
117 such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court,  
118 (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

119 F. As used in this section, "copy" includes a facsimile copy.

120 G. No fee shall be charged for filing or serving any petition or order pursuant to this section.

121 H. Upon issuance of a preliminary protective order, the clerk of the court shall make available to  
122 the petitioner information that is published by the Department of Criminal Justice Services for victims of  
123 domestic violence or for petitioners in protective order cases.

124 **§ 16.1-279.1. Protective order in cases of family abuse.**

125 A. In cases of family abuse, including any case involving an incarcerated or recently incarcerated  
126 respondent against whom a preliminary protective order has been issued pursuant to § 16.1-253.1, the  
127 court may issue a protective order to protect the health and safety of the petitioner and family or household  
128 members of the petitioner. A protective order issued under this section may include any one or more of  
129 the following conditions to be imposed on the respondent:

- 130 1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property;
- 131 2. Prohibiting such contacts by the respondent with the petitioner or family or household members  
132 of the petitioner as the court deems necessary for the health or safety of such persons;

133 3. Granting the petitioner possession of the residence occupied by the parties to the exclusion of  
134 the respondent; however, no such grant of possession shall affect title to any real or personal property;

135 4. Enjoining the respondent from terminating any necessary utility service to the residence to  
136 which the petitioner was granted possession pursuant to subdivision 3 or, where appropriate, ordering the  
137 respondent to restore utility services to that residence;

138 5. Granting the petitioner and, where appropriate, any other family or household member of the  
139 petitioner, exclusive use and possession of a cellular telephone number or electronic device. The court  
140 may enjoin the respondent from terminating a cellular telephone number or electronic device before the  
141 expiration of the contract term with a third-party provider. The court may enjoin the respondent from  
142 using a cellular telephone or other electronic device to locate the petitioner;

143 6. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner  
144 alone or jointly owned by the parties to the exclusion of the respondent and enjoining the respondent from  
145 terminating any insurance, registration, or taxes on the motor vehicle and directing the respondent to  
146 maintain the insurance, registration, and taxes, as appropriate; however, no such grant of possession or  
147 use shall affect title to the vehicle;

148 7. Requiring that the respondent provide suitable alternative housing for the petitioner and, if  
149 appropriate, any other family or household member and where appropriate, requiring the respondent to  
150 pay deposits to connect or restore necessary utility services in the alternative housing provided;

151 8. Ordering the respondent to participate in treatment, counseling or other programs as the court  
152 deems appropriate;

153 9. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such  
154 petitioner meets the definition of owner in § 3.2-6500; and

155 10. Any other relief necessary for the protection of the petitioner and family or household members  
156 of the petitioner, including a provision for temporary custody or visitation of a minor child.

157 A1. If a protective order is issued pursuant to subsection A, the court may also issue a temporary  
158 child support order for the support of any children of the petitioner whom the respondent has a legal  
159 obligation to support. Such order shall terminate upon the determination of support pursuant to § 20-108.1.

160 B. 1. The protective order may be issued for a specified period of time up to a maximum of two  
161 years. The protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last  
162 day of the two-year period if no date is specified. Prior to the expiration of the protective order, a petitioner  
163 may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective  
164 order shall be given precedence on the docket of the court. A written motion requesting a hearing to extend  
165 the protective order shall be served as soon as possible on the respondent.

166 If the petitioner was a family or household member of the respondent at the time the initial  
167 protective order was issued, the court may extend the protective order for a period not longer than two  
168 years to protect the health and safety of the petitioner or persons who are family or household members  
169 of the petitioner at the time the request for an extension is made. The extension of the protective order  
170 shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period  
171 if no date is specified. Nothing herein shall limit the number of extensions that may be requested or issued.

172 2. Upon the filing of a written motion requesting a hearing to extend the protective order, the court  
173 may issue an ex parte preliminary protective order pursuant to § 16.1-253.1 until the extension hearing.  
174 The ex parte preliminary protective order shall specify a date for the extension hearing, which shall be  
175 held within 15 days of the issuance of the ex parte preliminary protective order and may be held after the  
176 expiration of the protective order. If the respondent fails to appear at the extension hearing because the  
177 respondent was not personally served, the court shall schedule a new date for the extension hearing and  
178 may extend the ex parte preliminary protective order until such new date. The extended ex parte  
179 preliminary protective order shall be served as soon as possible on the respondent. If the respondent was  
180 personally served, where the petitioner shows by clear and convincing evidence that a continuance is  
181 necessary to meet the ends of justice or the respondent shows good cause, the court may continue the  
182 extension hearing and such ex parte preliminary protective order shall remain in effect until the extension  
183 hearing.

184 C. A copy of the protective order shall be served on the respondent and provided to the petitioner  
185 as soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith,  
186 but in all cases no later than the end of the business day on which the order was issued, enter and transfer

187 electronically to the Virginia Criminal Information Network the respondent's identifying information and  
188 the name, date of birth, sex, and race of each protected person provided to the court and shall forthwith  
189 forward the attested copy of the protective order containing any such identifying information to the  
190 primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of  
191 the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any  
192 modification as necessary to the identifying information and other appropriate information required by the  
193 Department of State Police into the Virginia Criminal Information Network established and maintained  
194 by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served  
195 forthwith upon the respondent and due return made to the court. Upon service, the agency making service  
196 shall enter the date and time of service and other appropriate information required by the Department of  
197 State Police into the Virginia Criminal Information Network and make due return to the court. If the order  
198 is later dissolved or modified, a copy of the dissolution or modification order shall also be attested,  
199 forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective  
200 orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith  
201 verify and enter any modification as necessary to the identifying information and other appropriate  
202 information required by the Department of State Police into the Virginia Criminal Information Network  
203 as described above and the order shall be served forthwith and due return made to the court.

204 D. Except as otherwise provided in § 16.1-253.2, a violation of a protective order issued under this  
205 section shall constitute contempt of court.

206 E. The court may assess costs and ~~attorneys'~~ attorney fees against either party regardless of whether  
207 an order of protection has been issued as a result of a full hearing.

208 F. Any judgment, order or decree, whether permanent or temporary, issued by a court of  
209 appropriate jurisdiction in another state, the United States or any of its territories, possessions or  
210 Commonwealths, the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose  
211 of preventing violent or threatening acts or harassment against or contact or communication with or  
212 physical proximity to another person, including any of the conditions specified in subsection A, shall be  
213 accorded full faith and credit and enforced in the Commonwealth as if it were an order of the

214 Commonwealth, provided reasonable notice and opportunity to be heard were given by the issuing  
215 jurisdiction to the person against whom the order is sought to be enforced sufficient to protect such  
216 person's due process rights and consistent with federal law. A person entitled to protection under such a  
217 foreign order may file the order in any juvenile and domestic relations district court by filing with the  
218 court an attested or exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an  
219 attested copy of the order to the primary law-enforcement agency responsible for service and entry of  
220 protective orders which shall, upon receipt, enter the name of the person subject to the order and other  
221 appropriate information required by the Department of State Police into the Virginia Criminal Information  
222 Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title  
223 52. Where practical, the court may transfer information electronically to the Virginia Criminal Information  
224 Network.

225           Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy  
226 available of any foreign order filed with that court. A law-enforcement officer may, in the performance of  
227 his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been  
228 provided to him by any source and may also rely upon the statement of any person protected by the order  
229 that the order remains in effect.

230           G. Either party may at any time file a written motion with the court requesting a hearing to dissolve  
231 or modify the order. Proceedings to dissolve or modify a protective order shall be given precedence on  
232 the docket of the court. Upon petitioner's motion to dissolve the protective order, a dissolution order may  
233 be issued ex parte by the court with or without a hearing. If an ex parte hearing is held, it shall be heard  
234 by the court as soon as practicable. If a dissolution order is issued ex parte, the court shall serve a copy of  
235 such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

236           H. As used in this section:

237           "Copy" includes a facsimile copy; ~~and,~~

238           "Protective order" includes an initial, modified or extended protective order.

239           I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's  
240 office, nor any employee of them, may disclose, except among themselves, the residential address,

241 telephone number, or place of employment of the person protected by the order or that of the family of  
242 such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court,  
243 (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

244 J. No fee shall be charged for filing or serving any petition or order pursuant to this section.

245 K. Upon issuance of a protective order, the clerk of the court shall make available to the petitioner  
246 information that is published by the Department of Criminal Justice Services for victims of domestic  
247 violence or for petitioners in protective order cases.

248 L. An appeal of a protective order issued pursuant to this section shall be given expedited review  
249 by the Court of Appeals.

250 **§ 19.2-152.9. Preliminary protective orders.**

251 A. Upon the filing of a petition alleging that (i) the petitioner is or has been, within a reasonable  
252 period of time, subjected to an act of violence, force, or threat, or (ii) a petition or warrant has been issued  
253 for the arrest of the alleged perpetrator for any criminal offense resulting from the commission of an act  
254 of violence, force, or threat, or the filing of a written motion requesting a hearing to extend a protective  
255 order pursuant to § 19.2-152.10 without alleging that the petitioner is or has been, within a reasonable  
256 period of time, subject to an act of violence, force, or threat, or that a petition or warrant has been issued  
257 for the arrest of the alleged perpetrator for any criminal offense resulting from the commission of an act  
258 of violence, force, or threat, the court may issue a preliminary protective order against the alleged  
259 perpetrator in order to protect the health and safety of the petitioner or any family or household member  
260 of the petitioner. The order may be issued in an ex parte proceeding upon good cause shown when the  
261 petition is supported by an affidavit or sworn testimony before the judge or intake officer or upon the  
262 filing of a written motion requesting a hearing to extend a protective order pursuant to § 19.2-152.10. If  
263 an ex parte order is issued without an affidavit or a completed form as prescribed by subsection D of §  
264 19.2-152.8 being presented, the court, in its order, shall state the basis upon which the order was entered,  
265 including a summary of the allegations made and the court's findings. Immediate and present danger of  
266 any act of violence, force, or threat or evidence sufficient to establish probable cause that an act of  
267 violence, force, or threat has recently occurred shall constitute good cause.

268 A preliminary protective order may include any one or more of the following conditions to be  
269 imposed on the respondent:

270 1. Prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to  
271 person or property;

272 2. Prohibiting such other contacts by the respondent with the petitioner or the petitioner's family  
273 or household members as the court deems necessary for the health and safety of such persons;

274 3. Such other conditions as the court deems necessary to prevent (i) acts of violence, force, or  
275 threat, (ii) criminal offenses that may result in injury to person or property, or (iii) communication or other  
276 contact of any kind by the respondent; and

277 4. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such  
278 petitioner meets the definition of owner in § 3.2-6500.

279 B. The court shall forthwith, but in all cases no later than the end of the business day on which the  
280 order was issued, enter and transfer electronically to the Virginia Criminal Information Network the  
281 respondent's identifying information and the name, date of birth, sex, and race of each protected person  
282 provided to the court. A copy of a preliminary protective order containing any such identifying information  
283 shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of  
284 protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall  
285 forthwith verify and enter any modification as necessary to the identifying information and other  
286 appropriate information required by the Department of State Police into the Virginia Criminal Information  
287 Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52  
288 and the order shall be served forthwith on the alleged perpetrator in person as provided in § 16.1-264, and  
289 due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit  
290 court shall forthwith forward an attested copy of the order containing the respondent's identifying  
291 information and the name, date of birth, sex, and race of each protected person provided to the court to  
292 the primary law-enforcement agency providing service and entry of protective orders and upon receipt of  
293 the order, the primary law-enforcement agency shall enter the name of the person subject to the order and  
294 other appropriate information required by the Department of State Police into the Virginia Criminal

295 Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et  
296 seq.) of Title 52 and the order shall be served forthwith on the alleged perpetrator in person as provided  
297 in § 16.1-264. Upon service, the agency making service shall enter the date and time of service and other  
298 appropriate information required by the Department of State Police into the Virginia Criminal Information  
299 Network and make due return to the court. The preliminary order shall specify a date for the full hearing.  
300 The hearing shall be held within 15 days of the issuance of the preliminary order, unless the hearing has  
301 been continued pursuant to this subsection or the court is closed pursuant to § 16.1-69.35 or 17.1-207 and  
302 such closure prevents the hearing from being held within such time period, in which case the hearing shall  
303 be held on the next day not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed.  
304 If such court is closed pursuant to § 16.1-69.35 or 17.1-207, the preliminary protective order shall remain  
305 in full force and effect until it is dissolved by such court, until another preliminary protective order is  
306 entered, or until a protective order is entered. If the respondent fails to appear at this hearing because the  
307 respondent was not personally served, the court may extend the protective order for a period not to exceed  
308 six months. The extended protective order shall be served as soon as possible on the respondent. However,  
309 ~~upon motion of~~ where the respondent ~~and for~~ shows good cause ~~shown~~, the court may continue the  
310 hearing. The preliminary order shall remain in effect until the hearing. Upon request after the order is  
311 issued, the clerk shall provide the petitioner with a copy of the order and information regarding the date  
312 and time of service. The order shall further specify that either party may at any time file a motion with the  
313 court requesting a hearing to dissolve or modify the order. The hearing on the motion shall be given  
314 precedence on the docket of the court. Upon petitioner's motion to dissolve the preliminary protective  
315 order, a dissolution order may be issued ex parte by the court with or without a hearing. If an ex parte  
316 hearing is held, it shall be heard by the court as soon as practicable. If a dissolution order is issued ex  
317 parte, the court shall serve a copy of such dissolution order on respondent in conformity with §§ 8.01-  
318 286.1 and 8.01-296.

319           Upon receipt of the return of service or other proof of service pursuant to subsection C of § 16.1-  
320 264, the clerk shall forthwith forward an attested copy of the preliminary protective order to primary law-  
321 enforcement agency and the agency shall forthwith verify and enter any modification as necessary into

322 the Virginia Criminal Information Network as described above. If the order is later dissolved or modified,  
323 a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary  
324 law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the  
325 order by the primary law-enforcement agency, the agency shall forthwith verify and enter any  
326 modification as necessary to the identifying information and other appropriate information required by the  
327 Department of State Police into the Virginia Criminal Information Network as described above and the  
328 order shall be served forthwith and due return made to the court.

329 C. The preliminary order is effective upon personal service on the alleged perpetrator. Except as  
330 otherwise provided, a violation of the order shall constitute contempt of court.

331 D. At a full hearing on the petition, the court may issue a protective order pursuant to § 19.2-  
332 152.10 if the court finds that the petitioner has proven the allegation that the petitioner is or has been,  
333 within a reasonable period of time, subjected to an act of violence, force, or threat by a preponderance of  
334 the evidence.

335 E. No fees shall be charged for filing or serving petitions pursuant to this section.

336 F. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's  
337 office, nor any employee of them, may disclose, except among themselves, the residential address,  
338 telephone number, or place of employment of the person protected by the order or that of the family of  
339 such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court,  
340 (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

341 G. As used in this section, "copy" includes a facsimile copy.

342 H. Upon issuance of a preliminary protective order, the clerk of the court shall make available to  
343 the petitioner information that is published by the Department of Criminal Justice Services for victims of  
344 domestic violence or for petitioners in protective order cases.

345 **§ 19.2-152.10. Protective order.**

346 A. The court may issue a protective order pursuant to this chapter to protect the health and safety  
347 of the petitioner and family or household members of a petitioner upon (i) the issuance of a petition or  
348 warrant for, or a conviction of, any criminal offense resulting from the commission of an act of violence,

349 force, or threat or (ii) a hearing held pursuant to subsection D of § 19.2-152.9. A protective order issued  
350 under this section may include any one or more of the following conditions to be imposed on the  
351 respondent:

352 1. Prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to  
353 person or property;

354 2. Prohibiting such contacts by the respondent with the petitioner or family or household members  
355 of the petitioner as the court deems necessary for the health or safety of such persons;

356 3. Any other relief necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses  
357 that may result in injury to person or property, or (iii) communication or other contact of any kind by the  
358 respondent; and

359 4. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such  
360 petitioner meets the definition of owner in § 3.2-6500.

361 B. 1. Except as provided in subsection C, the protective order may be issued for a specified period  
362 of time up to a maximum of two years. The protective order shall expire at 11:59 p.m. on the last day  
363 specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Prior to the  
364 expiration of the protective order, a petitioner may file a written motion requesting a hearing to extend the  
365 order. Proceedings to extend a protective order shall be given precedence on the docket of the court. A  
366 written motion requesting a hearing to extend the protective order shall be served as soon as possible on  
367 the respondent.

368 The court may extend the protective order for a period not longer than two years to protect the  
369 health and safety of the petitioner or persons who are family or household members of the petitioner at  
370 the time the request for an extension is made. The extension of the protective order shall expire at 11:59  
371 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified.  
372 Nothing herein shall limit the number of extensions that may be requested or issued.

373 2. Upon the filing of a written motion requesting a hearing to extend the protective order, the court  
374 may issue an ex parte protective order pursuant to § 19.2-152.9 until the extension hearing. The ex parte  
375 preliminary protective order shall specify a date for the extension hearing, which shall be held within 15

376 days of the issuance of the ex parte preliminary protective order and may be held after the expiration of  
377 the protective order. If the respondent fails to appear at the extension hearing because the respondent was  
378 not personally served, the court shall schedule a new date for the extension hearing and may extend the  
379 ex parte protective order until such new date. The extended ex parte protective order shall be served as  
380 soon as possible on the respondent. If the respondent was personally served, where the petitioner shows  
381 by clear and convincing evidence that a continuance is necessary to meet the ends of justice or the  
382 respondent shows good cause, the court may continue the extension hearing and such ex parte protective  
383 order shall remain in effect until the extension hearing.

384 C. Upon conviction for an act of violence as defined in § 19.2-297.1 and upon the request of the  
385 victim or of the attorney for the Commonwealth on behalf of the victim, the court may issue a protective  
386 order to the victim pursuant to this chapter to protect the health and safety of the victim. The protective  
387 order may be issued for any reasonable period of time, including up to the lifetime of the defendant, that  
388 the court deems necessary to protect the health and safety of the victim. The protective order shall expire  
389 at 11:59 p.m. on the last day specified in the protective order, if any. Upon a conviction for violation of a  
390 protective order issued pursuant to this subsection, the court that issued the original protective order may  
391 extend the protective order as the court deems necessary to protect the health and safety of the victim. The  
392 extension of the protective order shall expire at 11:59 p.m. on the last day specified, if any. Nothing herein  
393 shall limit the number of extensions that may be issued.

394 D. A copy of the protective order shall be served on the respondent and provided to the petitioner  
395 as soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith,  
396 but in all cases no later than the end of the business day on which the order was issued, enter and transfer  
397 electronically to the Virginia Criminal Information Network the respondent's identifying information and  
398 the name, date of birth, sex, and race of each protected person provided to the court and shall forthwith  
399 forward the attested copy of the protective order and containing any such identifying information to the  
400 primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of  
401 the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any  
402 modification as necessary to the identifying information and other appropriate information required by the

403 Department of State Police into the Virginia Criminal Information Network established and maintained  
404 by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served  
405 forthwith upon the respondent and due return made to the court. Upon service, the agency making service  
406 shall enter the date and time of service and other appropriate information required into the Virginia  
407 Criminal Information Network and make due return to the court. If the order is later dissolved or modified,  
408 a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary  
409 law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the  
410 order by the primary law-enforcement agency, the agency shall forthwith verify and enter any  
411 modification as necessary to the identifying information and other appropriate information required by the  
412 Department of State Police into the Virginia Criminal Information Network as described above and the  
413 order shall be served forthwith and due return made to the court.

414 E. Except as otherwise provided, a violation of a protective order issued under this section shall  
415 constitute contempt of court.

416 F. The court may assess costs and ~~attorneys'~~ attorney fees against either party regardless of whether  
417 an order of protection has been issued as a result of a full hearing.

418 G. Any judgment, order or decree, whether permanent or temporary, issued by a court of  
419 appropriate jurisdiction in another state, the United States or any of its territories, possessions or  
420 Commonwealths, the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose  
421 of preventing violent or threatening acts or harassment against or contact or communication with or  
422 physical proximity to another person, including any of the conditions specified in subsection A, shall be  
423 accorded full faith and credit and enforced in the Commonwealth as if it were an order of the  
424 Commonwealth, provided reasonable notice and opportunity to be heard were given by the issuing  
425 jurisdiction to the person against whom the order is sought to be enforced sufficient to protect such  
426 person's due process rights and consistent with federal law. A person entitled to protection under such a  
427 foreign order may file the order in any appropriate district court by filing with the court, an attested or  
428 exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of  
429 the order to the primary law-enforcement agency responsible for service and entry of protective orders

430 which shall, upon receipt, enter the name of the person subject to the order and other appropriate  
431 information required by the Department of State Police into the Virginia Criminal Information Network  
432 established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where  
433 practical, the court may transfer information electronically to the Virginia Criminal Information Network.

434         Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy  
435 available of any foreign order filed with that court. A law-enforcement officer may, in the performance of  
436 his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been  
437 provided to him by any source and may also rely upon the statement of any person protected by the order  
438 that the order remains in effect.

439         H. Either party may at any time file a written motion with the court requesting a hearing to dissolve  
440 or modify the order. Proceedings to modify or dissolve a protective order shall be given precedence on  
441 the docket of the court. Upon petitioner's motion to dissolve the protective order, a dissolution order may  
442 be issued ex parte by the court with or without a hearing. If an ex parte hearing is held, it shall be heard  
443 by the court as soon as practicable. If a dissolution order is issued ex parte, the court shall serve a copy of  
444 such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

445         I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's  
446 office, nor any employee of them, may disclose, except among themselves, the residential address,  
447 telephone number, or place of employment of the person protected by the order or that of the family of  
448 such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court,  
449 (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

450         J. No fees shall be charged for filing or serving petitions pursuant to this section.

451         K. As used in this section:

452         "Copy" includes a facsimile copy; ~~and,~~

453         "Protective order" includes an initial, modified or extended protective order.

454         L. Upon issuance of a protective order, the clerk of the court shall make available to the petitioner  
455 information that is published by the Department of Criminal Justice Services for victims of domestic  
456 violence or for petitioners in protective order cases.

457 M. An appeal of a protective order issued pursuant to this section shall be given expedited review  
458 by the Court of Appeals.

459 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**  
460 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**  
461 **appropriation is \_\_\_\_\_ for periods of imprisonment in state adult correctional facilities;**  
462 **therefore, Chapter 2 of the Acts of Assembly of 2022, Special Session I, requires the Virginia**  
463 **Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-**  
464 **19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \_\_\_\_\_ for**  
465 **periods of commitment to the custody of the Department of Juvenile Justice.**

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